APPENDIX A

IN THE CIRCUIT COURT OF THE 11TH JUDICIAL CIRCUIT IN AND FOR DADE COUNTY, FLORIDA

No. 68-19453
(Judge Huttoe)

HERLINDA GANEM de ISSA, et al.,

Plaintiffs,

v.

ELIAS GANEM,

Defendant.

RE-NOTICE OF TAKING DEPOSITION

TO: STANLEY KAPLAN, ESQ.
Attorney for Defendant
305 Biscayne Building
Miami, Florida 33130

HANSFORD D. TYLER, ESQ.
Attorney for Defendant
303 Biscayne Building
Miami, Florida 33130

PLEASE TAKE NOTICE that at 10:00 A.M. on Wednesday, March 31, 1971, at the offices of SMATHERS & THOMPSON, 1301 duPont Building, Miami, Florida, the Plaintiffs will take the deposition of the Defendant, ELIAS GANEM, upon oral examination before Mrs. Edwin W. Priestley, Notary Public, or any other notary public or officer authorized by law to take depositions

in the State of Florida. The oral examination will continue from day to day until completed. This deposition is being taken for purposes of discovery, for use at trial, or for such other purposes as are permitted under the rules of court.

WE CERTIFY that a true copy of this Notice of Taking Deposition was mailed to addressees herein this 10 day of March, 1971.

SMATHERS & THOMPSON
1301 duPont Building
Miami, Florida 33131

Attorneys for Plaintiffs

APPENDIX B

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR DADE COUNTY, FLORIDA

No. 68-19453

HERLINDA GANEM de ISSA, et al.,

Plaintiffs,

-vs-

ELIAS GANEM,

Defendant.

CERTIFICATE OF NON-APPEARANCE

This is to certify that I, Harris N. Horvath, Certified Shorthand Reporter and Notary Public, did, pursuant to Notice, duly appear at the offices of Smathers & Thompson, 1301 Alfred I. duPont Building, Miami, Florida, on Wednesday, March 31, 1971, at 10:00 o'clock a.m., for the purpose of taking the deposition of Elias Ganem.

The taking of the deposition having been set for 10:00 o'clock a.m., the undersigned thereupon waited until 10:20 a.m., in the presence of William C. Lewis, Jr., Esq., attorney for the Plaintiffs, at which time I was excused by counsel, the deponent, ELIAS GANEM, not having appeared by that hour.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal in the City of Miami, County of Dade, State of Florida, this 31st day of March, 1971.

/s/ Harris N. Horvath

HARRIS N. HORVATH, CSR and Notary Public in and for the State of Florida at Large

My Notary Commission expires:
September 2, 1972

HARRIS N. HORVATH, C S R
Suite 130-A, Security Trust Building
Miami, Florida 33132

APPENDIX C

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR DADE COUNTY, FLORIDA

No. 68-19453 — Judge Dekle

HELINDA GANEM de ISSA, VICTORIA GANEM de JACIR, SUSANA GANEM de VIVEROS and OLGA ANDRAUS VDA de GANEM,

Plaintiffs,

vs

ELIAS GANEM,

Defendant.

ORDER OF CONTEMPT AGAINST DEFENDANT, ELIAS GANEM

THIS CAUSE having come on to be heard before me on February 26, 1970 at 1:15 P.M., upon the Rule to Show Cause dated February 25, 1970 directing the Defendant, ELIAS GANEM, to appear before this Court on February 26, 1970 to show cause why he should not be held in contempt of Court for failure to comply with this Court's Order of February 4, 1970, which directed said Defendant, within ten (10) days from the date of said Order, to deposit $350,000.00 with the Clerk of this Court or file with said Clerk a bond in the principal of $350,000.00 payable to Plaintiffs, and counsel for the Plaintiffs having stated to this Court that the rule to show cause was personally served by Plaintiffs' counsel on STANLEY P. KAPLAN, ESQ., as attorney for the Defendant on February

25, 1970, in accordance with the provisions of said Order, and the Court having heard the testimony of plaintiffs' witness concerning efforts to locate the Defendant, and the Court having found that the Defendant cannot be found by said Plaintiffs and that Defendant's counsel declines to disclose the whereabouts of said Defendant, and the Defendant having failed to appear at the hearing on the rule to show cause or submit by Affidavit or through his attorney any explanation or justification for his failure to appear; and after hearing argument of counsel for both parties, reviewing the file and being otherwise advised in the premises and it appearing that the Defendant has wilfully disobeyed the Order of this Court dated February 4, 1970 by failing to deposit with the Clerk of this Court $350,000.00 or file with said Clerk a bond in the principal of $350,000.00 payable to Plaintiffs, (nor has said Defendant shown he is unable to comply with said Order) now, therefore, it is

ORDERED AND ADJUDGED that the Defendant, ELIAS GANEM, is guilty of the contempt of Court charged against him in having wilfully disobeyed the provisions of this Court's Order of February 4, 1970 and the Defendant, ELIAS GANEM, is found to be in contempt of this Court and is in contempt of this Court; and it is further

ORDERED AND ADJUDGED that the Defendant may purge himself of contempt by compliance with the provisions of this Court's Order of February 4, 1970 within ten (10) days after service of a copy of this Order upon Defendant's attorneys, STANLEY P. KAPLAN, ESQ., and HANSFORD D. TYLER, JR., ESQ., and it is further

ORDERED AND ADJUDGED that in the event the defendant fails to so purge himself of this contempt as aforesaid, said defendant shall be and suffer imprisonment in the County Jail of Dade County, Florida, until he shall have purged himself of said contempt by complying with and performing all of the provisions of said Order of this Court dated February 4, 1970 or having personally satisfied this Court as to his inability to comply with said order, and it is further

ORDERED AND ADJUDGED that the Sheriff of Dade County, Florida is hereby directed to incarcerate the Defendant, ELIAS GANEM, in accordance with and pursuant to the terms and conditions of this Order.

DONE AND ORDERED at Miami, Dade County, Florida, on this 4 day of March, 1970.

HAL P. DEKLE

Circuit Court Judge

APPENDIX D

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR DADE COUNTY, FLORIDA

NO. 68-19453 — Judge Dekle

HERLINDA GANEM de ISSA, VICTORIA GANEM de JACIR, SUSANA GANEM de VIVEROS, and OLGA ANDRAUS VDA de GANEM,

Plaintiffs,

vs

ELIAS GANEM,

Defendant.

ORDER GRANTING SUMMARY JUDGMENT AS TO PLAINTIFFS' RIGHT TO ACCOUNTING

THIS CAUSE having come on to be heard before me upon the Motion for Summary Judgment filed on behalf of the Plaintiffs in the above-styled cause and after hearing argument of counsel for the parties hereto, reviewing the file and the deposition of Herlinda Ganem de Issa taken on January 21, 1970 and being advised in the premises, the Court finds that there is no genuine issue as to any material fact as to the right of the Plaintiffs to an accounting from the Defendant, ELIAS GANEM, for all of his dealings and transactions since January 1, 1960 with respect to the affairs of Ganem & Co. and La India, and with respect to any matter, including the transfer of funds in which Ganem & Co. and La India had any interest, and, therefore, it is

ORDERED AND ADJUDGED as follows:

1. That Plaintiffs' Motion for Summary Judgment is hereby granted as to Plaintiffs' right to an accounting from the Defendant for all of his dealings and transactions since January 1, 1960 with respect to the affairs of Ganem & Co. and La India, and with respect to any matter, including the transfer of funds in which Ganem & Co. and La India had any interest, and interlocutory decree granting said accounting is hereby issued forthwith.

2. That the Defendant, ELIAS GANEM, shall forthwith and no later than ten (10) days from the date of this Order, account to Plaintiffs for all of his dealings and transactions since January 1, 1960 with respect to the affairs of Ganem & Co. and La India and with respect to any matter, including but not limited to, the transfer of funds in which Ganem & Co. and La India has or ever has had an interest and in connection therewith but not by way of limitation, the Defendant shall forthwith exhibit for the purpose of copying to Plaintiffs all documents, records, bank statements of and/or pertaining to or related to Ganem & CIA (whether styled in this manner or any other, including Ganem & Co.) Fabrica de Manteca y Aceites Vegetales (whether styled in this manner or any other, including La India or La India Ltda.) (or companies in which said entities have or had any interest) which are in Defendant's custody or control and including but not limited to, any and all records in the possession of the Defendant pertaining to or related to any funds which are or have been on deposit in the name of Ganem & CIA (whether styled in this manner or any other, including Ganem & Co.), Fabrica

de Manteca y Aceites Vegetales (whether styled in this manner or any other, including La India or La India Ltda.) in the Royal Bank of Canada, including any of said bank's agencies, branches, subsidiaries or affiliates or any other banking institution, and Defendant shall make available to Plaintiffs forthwith but not later than ten (10) days from the date of this Order, the examination of any account in any bank, institution, corporation or partnership in which Ganem & CIA (whether styled in this manner or any other, including Ganem & Co.), Fabrica de Manteca y Aceites Vegetales (whether styled in this manner or any other, including La India or La India Ltda) has had an account since January 1, 1960.

3. That the Defendant, ELIAS GANEM, shall forthwith but no later than ten (10) days from the date of this Order, deposit in the Registry of this Court all funds of Ganem & CIA (whether styled in this manner or any other, including Ganem & Co.), Fabrica de Manteca y Aceites Vegetales (whether styled in this manner or any other, including La India or La India Ltda) which are presently in said Defendant's possession or control, including but not limited to any funds in accounts in the Royal Bank of Canada, including any of said bank's agencies, branches and subsidiaries or any other banking institution, either in the name of Ganem & CIA (whether styled in this manner or any other, including Ganem & Co.) and Fabrica de Manteca y Aceites Vegetales (whether styled in this manner or any other, including La India or La India Ltda).

4. That all banking institutions, including the Royal Bank of Canada and any of said bank's agencies, branches, subsidiaries or affiliates, having possession of the afore-

said funds shall forthwith but no later than ten (10) days from the date of this Order, deposit same in the Registry of this Court and make available to Plaintiffs or their attorneys any records pertaining to accounts of Ganem & CIA (whether styled in this manner or any other, including Ganem & Co.) and Fabrica de Manteca y Aceites Vegetales (whether styled in this manner or any other, including La India or La India Ltda) which said entities have had in any of said banking institutions from January 1, 1960.

5. That the Court reserves jurisdiction and consideration of all other allegations of Plaintiffs' Complaint until the aforesaid accounting as ordered herein has been made by the Defendant.

6. That as a result of the foregoing, the Non-Jury Trial of this cause originally scheduled for the week of March 9, 1970 is cancelled and postponed, to be reset at a later date.

DONE AND ORDERED at Miami, Dade County, Florida, on this 5 day of March, 1970.

HAL P. DEKLE

Circuit Court Judge

APPENDIX E

IN THE CIRCUIT COURT OF THE 11TH JUDICIAL CIRCUIT IN AND FOR DADE COUNTY, FLORIDA

No. 68-19453 (Dekle)

HERLINDA GANEM de ISSA,
VICTORIA GANEM de JACIR,
SUSANA GANEM de VIVEROS,
and
OLGA ANDRAUS VDA de GANEM,
Plaintiffs,

v.

ELIAS GANEM,
Defendant.

ORDER OF CONTEMPT AGAINST ELIAS GANEM

THIS CAUSE having come on to be heard before me on July 31, 1970, at 2:30 o'clock, P.M., upon the Rule to Show Cause issued the Defendant, ELIAS GANEM, the Court does hereby make the following findings of fact and ruling:

1. That this Court entered on March 5, 1970, a Summary Judgment in favor of the Plaintiffs wherein the Defendant, ELIAS GANEM, was ordered to, within ten (10) days, account to the Plaintiffs and deposit in the registry of this Court all funds of GANEM & CO. and La INDIA which were in the Defendant's possession or control.

2. That on March 23, 1970, the Defendant filed in this cause a sworn Affidavit styled "Defendant's Accounting," dated March 18, 1970, wherein the Defendant declined to respond to the aforesaid Summary Judgment on the grounds that such response might tend to incriminate him.

3. That upon motion of the Plaintiffs, this Court entered a Rule to Show Cause issued to Defendant, ELIAS GANEM, on the 22nd day of June, 1970, and thereafter amended by Order of this Court on the 24th day of July, 1970, directing said Defendant to appear before this Court on the 31st day of July, 1970, to show cause why he should not be held in contempt of court for failure to comply with the aforementioned Summary Judgment dated March 5, 1970.

4. That on July 14, 1970, the Defendant filed his Affidavit dated July 3, 1970, and styled "Defendant's Response to Rule to Show Cause."

AFTER hearing arguments of counsel for both parties, reviewing the file and being otherwise advised in the premises, now therefore, it is

ORDERED AND ADJUDGED that the Defendant, ELIAS GANEM, is guilty of the contempt of court charged against him and having willfully disobeyed the provisions of this Court Order of March 5, 1970; and the Defendant, ELIAS GANEM, is found to be in contempt of this Court and is in contempt of this Court; and, it is, further,

ORDERED AND ADJUDGED that Defendant may purge himself of contempt by compliance with the provisions of this Court's Order of March 5, 1970, within ten (10) days after service of a copy of this Order upon Defendant's attorney, STANLEY P. KAPLAN, ESQ., and, it is, further,

ORDERED AND ADJUDGED that in the event the Defendant fails to so purge himself of this contempt as aforesaid, the Defendant shall be and suffer imprisonment in the county jail of Dade County, Florida, until he shall have purged himself of said contempt by complying with and performing all of the provisions of said Order of this Court dated March 5, 1970, or having personally appeared before and satisfied this Court as to his inability to comply with said Order, and, it is, further,

ORDERED AND ADJUDGED that the Sheriff of Dade County, Florida, is hereby directed to incarcerate the Defendant, ELIAS GANEM, in accordance with and pursuant to the terms and conditions of this Order, and, it is, further,

ORDERED AND ADJUDGED that the ora tenus motion of counsel for the Defendant for a stay and setting of superseadus as to this Order be and the same is hereby denied.

DONE AND ORDERED at Miami, Dade County, Florida, this the 25 day of August, 1970.

s/ Hal P. Dekle

Judge of the Circuit Court

APPENDIX F

IN THE CIRCUIT COURT OF THE 11TH JUDICIAL CIRCUIT IN AND FOR DADE COUNTY, FLORIDA

NO. 68-19453 (Huttoe)

HERLINDA GANEM de ISSA, et al,
Plaintiffs,

v.

ELIAS GANEM,
Defendant.

ORDER

THIS CAUSE having come on to be heard before me upon Plaintiffs' Motion for Order Cancelling the Non-Jury Trial heretofore set by this Court, and the Court having reviewed the Motion, the file, heard argument from counsel for both parties, and being fully advised in the premises, finds:

1. That the Defendant, ELIAS GANEM, remains in contempt of this Court's Order of March 4, 1970, for failing to deposit $350,000.00 with the Clerk of this Court.

2. That the Defendant has failed to account to the Plaintiffs as order by this Court on March 5, 1970.

3. That the Defendant remains in contempt of this Court's Order dated August 25, 1970, finding said Defendant in contempt of court for failing to so account.

THEREFORE, and pursuant to the foregoing, it is ordered as follows:

1. The Plaintiffs' Motion for Order Cancelling Non-Jury Trial is denied.

2. The Defendant shall within five (5) days from the date of this Order purge himself from contempt of court in the manner so provided in this Court's Orders of August 25, 1970, and March 4, 1970, and comply with this Court's Order of March 5, 1970, otherwise, without further notice or hearing and upon the filing of a certificate by counsel for the Plaintiffs that Defendant has failed to so purge himself and account, this Court shall forthwith strike Defendant's Answer heretofore filed in this cause and enter judgment against the Defendant in favor of the Plaintiffs for the relief prayed for in the Plaintiffs' Complaint, together with damages against the Defendant as can be supported by affidavit or deposition to be submitted by Plaintiffs' counsel, in which event the Defendant shall be barred from submitting opposing affidavit or testimony with respect to said damages.

DONE AND ORDERED at Miami, Florida, this 23 day of Nov., 1971.

ARTHUR E. HUTTOE

Circuit Judge